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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,183	03/16/2006	Matthew T. Shea	109910-146649	2598

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EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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12/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,183

Applicant(s)

SHEA ET AL.

Examiner

Kenneth R. Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-12 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6 – 12, and 17 – 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al. (U.S. Pat. No. 5,907,324) (Method for Saving and Accessing Desktop Conference Characteristics With a Persistent Conference Object).

2.1 Regarding claim 1, Larson discloses a method of operation, to be performed on a computing device, the computing device being a selected one of an inviter computing device and a non-inviter service providing computing device, the method comprising:

receiving a request to extend an invitation to a recipient computing device to join an inviter computing device to jointly consume a content online (col. 2, lines 36 – 39 “Security policies may ... **require an invitation** ...”; col. 7, lines 17 – 23 “**invitees**”; col. 8, line 61 – col. 9, line 3 “A level 2 security conference limits the participants to only those who are **invited**.”);

determining whether the inviter computing device is eligible to extend the invitation (col. 9, lines 48 – 57 “**The Persistent Conference Manager 84 enables a**

user to initiate an ad hoc conference, suspend or terminate an active conference, and generally **control the activities within a conference**. These activities may include adding and deleting documents, ..., inviting, admitting, and ejecting participants, and setting or resetting conference policies."); and

extending the invitation to the recipient computing device, if it is determined that the inviter computing device is eligible to extend the invitation to the recipient computing device (col. 8, line 61 – col. 9, line 3; col. 9, lines 48 – 57).

2.2 Per claim 6, Larson teaches the method of claim 1, wherein if the computing is the inviter computing device, the method further comprises engaging in an electronic transaction with a distribution computing device to provide the inviter computing device with the required eligibility to extend the invitation (col. 8, line 61 – col. 9, line 3; col. 9, lines 48 – 57).

2.3 Regarding claim 7, Larson discloses the method of claim 6, wherein the engaging comprises engaging in an electronic transaction that accords the inviter computing device an owner status for the content (col. 2, lines 20 – 34).

2.4 Per claim 8, Larson teaches the method of claim 6, wherein the engaging comprises engaging in an electronic transaction that accords the inviter computing device a new ownership status, with more rights than a prior ownership status, for the content (col. 8, line 61 – col. 9, line 3; col. 9, lines 48 – 57; col. 2, lines 20 – 34).

2.5 Regarding claim 9, Larson discloses the method of claim 1, wherein the method further comprises providing the computing device ownership status to the recipient computing device (col. 8, line 61 – col. 9, line 3; col. 9, lines 48 – 57; col. 2, lines 20 – 34).

2.6 Per claim 10, Larson teaches the method of claim 1, wherein the extending is performed in accordance with an instant messaging protocol (Abstract; col. 8, line 61 – col. 9, line 3; col. 9, lines 48 – 57).

2.7 Regarding claim 11, Larson discloses an article of manufacture, comprising:
A machine readable medium (col. 4, lines 1 – 19); and
A plurality of executable instructions designed to enable a computing device to perform the method of claim 1 (col. 4, lines 1 – 19).

2.8 Per claims 12 and 17 – 23, the rejection of claims 1 and 6 – 11 under 35 USC 102(b) (paragraphs 2.1 – 2.7 above) applies fully.

Response to Arguments

Applicant's arguments filed 10/12/07 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that “there is no reason to infer that the conference manager of Larson determines whether an ‘inviter computing device is eligible to extend the invitation’ as required by claim 1.”

Examiner disagrees.

Larson discloses “**The Persistent Conference Manager 84 enables a user** to initiate an ad hoc conference, suspend or terminate an active conference, and generally **control the activities within a conference**. These activities may include adding and deleting documents, ..., **inviting**, admitting, and ejecting **participants**, and setting or resetting conference policies.” (col. 9, lines 48 – 57).

In other words the **Persistent Conference Manager 84 enables a user to control the activities within a conference**. These activities include **inviting**, admitting, and ejecting **participants**.

Allowable Subject Matter

Claims 2 – 5 and 13 – 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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